

SURFACE TRANSPORTATION BOARD

DECISION

No. 41295

PENNSYLVANIA POWER & LIGHT COMPANY
v.
CONSOLIDATED RAIL CORPORATION, ET AL

Decided: February 28, 1997

This proceeding is being handled under the Board's new regulations for processing rail rate reasonableness complaints in 49 CFR Part 1111.¹ Apparently, the parties have served interrogatories and are in the process of responding to interrogatories and document requests.

In a letter dated February 27, 1997, complainant states that because each party has served its discovery requests on a different date, the 10-day period for filing motions to compel falls due on different dates for each party, ranging from March 3 to other dates in mid-March. Complainant indicates that the parties want to have a common date for filing motions to compel and have agreed to March 19, 1997. Assertedly, having a common date for filing motions to compel would place parties on a common schedule and provide them time to meet in order to minimize disputes and perhaps eliminate the need for filing motions to compel.

Complainant's counsel states that counsel for the railroad defendants support the request, except that counsel for one of the defendant railroads requests that the common due date of March 19 be qualified by an exception that any motion to compel relating to railroad internal costing methodologies and systems be filed by March 7, 1997. Complainant's counsel concurs with the suggested exception. It appears also that one or more defendants have further qualified support of the common due date of March 19 by indicating that any motions to compel discovery of railroad transportation contracts should be due by March 7, 1997.

The request is reasonable and will be granted.

It is ordered:

1. The filing date for motions to compel is set at March 19, 1997, except that any motion to compel relating to discovery of railroad transportation contracts or railroad internal costing methodologies and systems shall be filed by March 7, 1997.

2. This decision is effective on its date of service.

By the Board, Vernon A. Williams, Secretary.

¹ See Expedited Procedures for Processing Rail Rate Reasonableness, Exemption and Revocation Proceedings, STB Ex Parte No. 527 (STB served Oct. 1, 1996 and Nov. 15, 1996); published at 61 FR 52710 (Oct. 1, 1996), 61 FR 53996 (Oct. 16, 1996), 61 FR 57339 (Nov. 6, 1996) (postponing effective date), and 61 FR 58490 (Nov. 15, 1996).

Finance Docket No.

Vernon A. Williams
Secretary